

Notice of Allowability

Application No.

09/858,163

Examiner

Kimberly D. Nguyen

Applicant(s)

EHRHART, MICHAEL

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 10, 2005.
2. ☒ The allowed claim(s) is/are 11-26 and 30-43.
3. ☒ The drawings filed on 04 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Amendment

1. Acknowledgment is made of Amendment filed June 10, 2005.

Allowable Subject Matter

2. Claims 11-26 and 30-43 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The prior art fails to specifically teach or fairly suggest

A portable device including an imaging assembly including a two-dimensional solid state image sensor and optics focusing an image onto the image sensor; a trigger; a portable housing encapsulating the solid state image sensor; a control circuit configured to operate in a mode in which the control circuit stores an image in response to a user-actuation of the trigger; wherein the control circuit is further configured to operate in a mode in which the control circuit sends the image to a separately housed spaced apart device together with a set of executable instructions executable by the spaced apart device, the executable instructions instructing the separately housed spaced apart device to (a) decode a bar code symbol represented in the image to generate a decoded-out message; and (b) transmit back to the portable device the decoded-out message; and wherein the control circuit is further configured to receive from the separately housed spaced apart device the decoded-out message decoded from the image sent by the control circuit to the separately housed spaced apart device.

Wilz, Sr. et al. (US 6,283,375) teaches an automatically-activated code symbol reading system comprising a bar code symbol reading mechanism contained within a hand-supportable housing having a manually-actuatable data transmission switch.

Tymes et al. (US 5,668,803) teaches a packet data transmission system is used to link a number of remote hand-held data gathering units such as bar code readers to a central computer. Data packets are sent from the remote units by an RF link to intermediate base stations, then sent by the base stations to the central computer by a serial link.

Keys et al. (US 6,758,403) teaches a data editing system for configuring a data collection device to edit decoded-out message data according to a data editing routine specified by a user programmer. Host processor assembly operating in accordance with a program builder program aids a user-programmer in building a set of data editing instructions which are transmitted to device for interpretation and execution by data collection device operating in accordance with message data editing program.

Schmid et al. (US 6,024,284) teaches a wireless scanning system for a bar code scanner and a personal computer, wherein the bar code scanner sends raw bar code data via a wireless connection to the personal computer.

However, Wilz, Sr., Tymes, Keys and Schmid, taken alone or in combination thereof, fails to specifically teach the control circuit is further configured to operate in a mode in which the control circuit sends the image to a separately housed spaced apart device together with a set of executable instructions executable by the spaced apart device, the executable instructions instructing the separately housed spaced apart device to (a) decode a bar code symbol represented in the image to generate a decoded-out message; and (b) transmit back to the portable device the decoded-out message.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN

August 1, 2005

OK to Enter 8/1/05 KN

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Express Mail Label No. EV434565529US
First Named Inventor: Michael EHRHART
For: MULTIMODE DECODING AND IMAGING OPTICAL READER
Filing Date: May 15, 2001
Attorney Docket No.: 283-325
Attorney of Record: George S. Blasiak
Telephone: 315-425-9000
REPLACEMENT SHEET

FIG. 9a

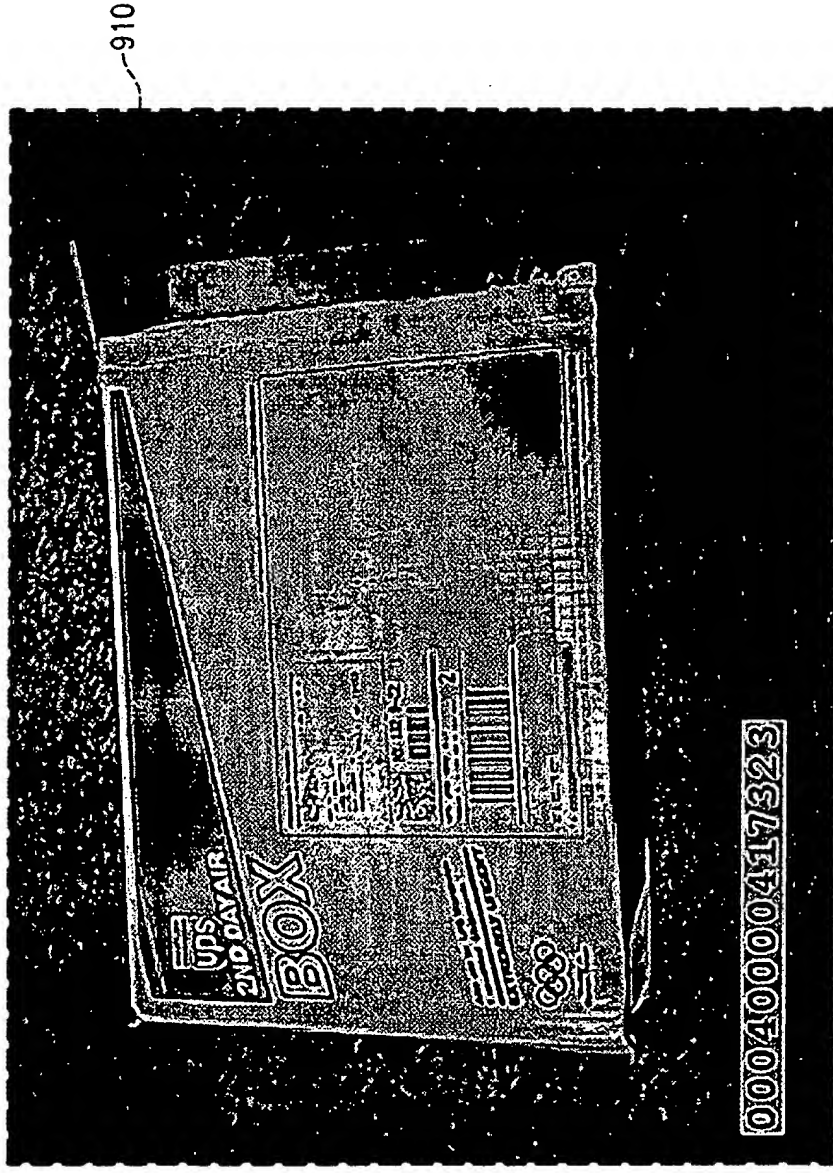


FIG. 9b

